



Applicant or Patentee: _____ Attorney's Dkt. No. DAVI189.001AUS
Serial or Patent No.: _____
Filed or Issued: _____
For: _____

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS [37 19(f) and 1.27(c)] - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:
NAME OF CONCERN ADELAIDE RESEARCH & INNOVATION PTY LTD
ADDRESS OF CONCERN 1st Floor, 10-20 Pulteney Street, Adelaide, South
Level 11 Australia 5000, Australia

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

A method for the preparation of cells of mesodermal lineage

by inventors David Peter RATHJEN, Joy RATHJEN and Nathan Tobias HARVEY described in
☐ the specification filed herewith.
☐ application Serial No. _____, filed _____
☐ patent No. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

Name _____

Address _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name _____

Address _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

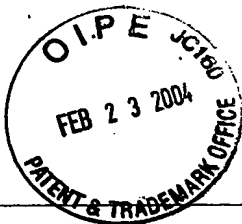
NAME OF PERSON SIGNING _____

TITLE OF PERSON OTHER THAN OWNER _____

ADDRESS OF PERSON SIGNING _____

SIGNATURE Steve Winslade

DATE 9 February 2004

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled A method for the preparation of cells of mesodermal lineage

the specification of which:

(a) ☐ is attached hereto; or

(b) ☒ was filed on 30 September 2003 as Application No. _____ or Express Mail No. EV 320127556, as Application No. not yet known _____ and was amended on _____ (if applicable); or

(c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any) and/or under PCT Article 34 on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) listed below and have also identified below any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed for the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 U.S.C. § 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

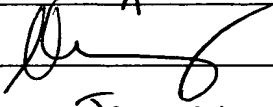
Prior U.S.A. Application(s)Application No.: 60/414959 Filing Date: 30 September 2002 Status: _____

Application No.: _____ Filing Date: _____ Status: _____

Application No.: _____ Filing Date: _____ Status: _____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: ^{David} Peter RATHJENX Inventor's signature P. D. R.X Day 29th Month January Year 2004Residence (city and country): Mitcham, South Australia, AustraliaCitizenship: AustraliaPost Office Address: 51 Blythewood Road, Mitcham, South Australia 5062, AustraliaFull name of second inventor: Joy RATHJENX Inventor's signature Joy R.X Day 29th Month January Year 2004Residence (city and country): Mitcham, South Australia, AustraliaCitizenship: Australia BritishPost Office Address: 51 Blythewood Road, Mitcham, South Australia 5062, Australia

Full name of third inventor: Nathan HARVEYX Inventor's signature X Day 29 Month January Year 2004Residence (city and country): Felixstow, South Australia, AustraliaCitizenship: AustraliaPost Office Address: ~~5/4 Fisher Street, Felixstow, South Australia 5070, Australia~~52 Willowbrook Road, Derranecourt, South Australia 5075, Australia

Full name of fourth inventor: _____

Inventor's signature _____

Day _____ Month _____ Year _____

Residence (city and country): _____

Citizenship: _____

Post Office Address: _____

Full name of fifth inventor: _____

Inventor's signature _____

Day _____ Month _____ Year _____

Residence (city and country): _____

Citizenship: _____

Post Office Address: _____

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995